

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17

Petition No. 30/2007

In the matter of:

Sh. Anil Shukla
1240/10, G/F, Gali No. 10,
Govind Puri, Opp, 1266-A
New Delhi.

.....**Complainant**

VERSUS

BSES Rajdhani Power Limited
Through its : **CEO**
BSES Bhawan,
Nehru Place,
Delhi-110019.

.....**Respondent**

Coram:

**Sh. Berjinder Singh, Chairman, Sh. Shyam Wadhera, Member &
Sh. Subhash R. Sethi, Member.**

Appearance:

1. Sh. Sita Ram, DGM for BRPL.

ORDER

(Date of Hearing: 17.11.2009)

(Date of Order: 13 .07.2010)

1. The instant petition has been filed by Sh. Anil Shukla R/o 1240/10, Ground Floor, Gali No. 10, Govind Puri, New Delhi against BSES Vs, BRPL wherein the complainant has prayed the following relief :
 - a. To penalize the Respondent under Section 142 of Electricity Act, 2003 for violation of the tariff schedule for the year 2006-07 for charging 18 hours per day instead of 11 hours per day while making calculation of the impugned DAE bill.
 - b. To restrain the Respondent from taking any adverse action against the Complainant for non-payment of the Impugned DAE bill amounting to Rs. 6,73,661/-.
 - c. Restraining the Respondent from disconnecting the supply of electricity through K.No. 2510-OB 32-0029-AX installed at the premises having address H. No. 1240/10, Ground Floor, Gali No. 10, Govind Puri, New Delhi till the final disposal of the present complaint.
 - d. Seeking suitable compensation from the respondent in favour of complainant.

The averment made by the complainant :

2. The Complainant is stated to be a registered consumer of K. No. 2510-0B32-0029-NX sanctioned load of 11 kw (NX connection – commercial purpose). The officials of the Respondent conducted an inspection on the premises of the complainant on 20.11.2006 in utter violation of procedure laid down in Chapter-VI Pilferage of Energy – regulation 25 of the DERC (Performance Standards – Metering & Billing) regulations, 2002] particularly, sub clause (VII), as the Inspection Report and the show-cause notice were neither prepared at site nor delivered to the petitioner or his representative nor pasted at a conspicuous place inside / outside of the premises. The Assessing Officer vide its Order dated 04.12.2006 held the Complainant liable for DAE. Pursuant to the Order, a DAE bill for an amount of Rs. 6,73,661/- was raised without being provided the details and while assessing the loss of energy and calculating the units consumed after applying LDHF formula it took 18 hours per day instead of 11 hours per day. As per Tariff Schedule for the year 2006-07, 11 hours are to be taken into account in case of non-domestic use of supply while calculating the energy loss by applying LDHF formula. Accordingly, the calculation / assessment /demand of DAE is illegal.

The averment made by the Respondent :

3. On behalf of the respondent Sh. R.C. Mehta filed the reply wherein he submitted that an inspection was carried out by the authorized officials of BRPL on 20.11.2006. A load report in the form of Assessment of connected load were prepared at site, paper seal were pasted on the meter to maintain the status quo. The representative of the petitioner was present during entire process of inspections, associated with inspection team but he refused to sign and receive the copy of meter report, load report and inspection report.

4. It has been submitted that as per meter report dated 20.11.2006, meter box seals was found tampered, meter terminal seals were found tampered, meter half seals was found tampered, ultrasonic welding was found tampered, meter hologram seals were found tampered, unidirectional screws found tampered and was meter found slow by (-)75.58% while accuracy check. Phase voltage on meter display were observed as 57.7 VR phase, 56.9 V Y-phase and 59.0 V B-phase against the actual corresponding voltages on 237.0V, 239.25 V and 247.89 V.

5. In order to ascertain the internal status of the metering equipment as well as to detect any conclusive evidence, the inspection team segregated the meter in the presence of consumer at site. Meter data was found highly tampered. Tampered

status report of meter data down load dated 20.11.2006 also shows tampering of potential circuit of R, Y and B phase, Load survey report of the meter data down load on 20.11.2006 also shows that use of supply almost 18 hours per day for 30 days.

6. It is further submitted that petitioner had failed to make the payment of DAE bill within stipulated period, accordingly a criminal complaint against the petitioner was filed before the Hon'ble Special Court.

7. In the additional reply the Respondent submitted that the petitioner approached the Mega Lok Adalat, conducted by Delhi High Court Legal Services Committee on 18.3.2008 to settle the case. On 18.3.2008 the matter was amicably settled between the parties. Accordingly the petitioner in terms of settlement order has approached the office of Respondent and deposited the settled amount. The Respondent has already withdrawn the pending litigation against petitioner from special court on 15.4.2008. The Respondent has requested to kindly dismiss the above complaint in light of aforesaid submission/settlement.

8. Commission heard the matter on 17.11.2009. None was present from Complainant side. The Commission in the course of hearing sought clarification on the under mentioned two issues from the representative of the Respondent:

- (a) Whether the inspection report had been delivered through post as the inspection report had not been signed by the Consumer.
- (b) Clarification in regard to raising of assessment bill on the above noted consumer on 18 hours per day under NX category instead of 11 hours. The Commission has also desired to know the load factor on the basis of graphical load survey data.

9. The Respondent BRPL vide their letter dated 23.11.2009, filed the reply which was taken on record on 24.11.2009 in the reply on issue (a) it submitted that -

The clause 52 (ix) of Delhi Electricity Supply Code and Performance Standard Regulations 2007 states that "in case of refusal by the consumer or his / her representative to either accept or give a receipt, a copy of inspection report must be pasted at a conspicuous place in/ outside the premises and photographed. Simultaneously, the report shall be sent to the consumer under Registered Post"

In this regard it may please be noted that neither consumer / his representative refused to accept the show cause notice and inspection reports etc nor did he

allow inspection team us to paste the same to his premises place, hence it is to submit that inspection records i.e. Meter Report, Load Report & Inspection Report along with show cause notice were sent to the consumer through Speed Post vide No. ED 21696368 21N dated 21/11/2006 as per clause 52 (IX) of DERC Regulation.

10. In reply to issue (b) The Respondent submitted that

"As per DERC notification dated 19/02/2007 where it has been mentioned in case the Assessing Officer has reason to substantiate higher consumption pattern other than proposed in a particular case, it could be worked out giving reasons in his report. The competent authority has passed Speaking Orders".

In this regard it is submitted that load survey report of meter data down load on 20/11/2006 shows that use of NX load almost 18 hours per day for 30 days. This fact has been clearly elaborated in the Speaking Order.

Further Tabular Report of load survey data (half –hourly energy consumed) of meter down load, clearly indicates use of load increases after 6 hrs and current remains between 2 Amp to 6 Amp up to 23.30 hours which shows that use of non domestic load is almost 18 hours a day. The respondent enclosed a copy of the "Tabular Report of Load Survey Data in support of its above statement.

11. **The Commission's findings :**

After going through the contents of the submissions / averments made and arguments advanced, as well as, facts and figures placed by the complainant and representative of the Respondent before the Commission, the Commission has not found any merit in the complaint. Moreover keeping in mind that the dispute between the both parties has already been settled amicably in the Mega Lok Adalat on 18.03.2008, and the complainant has not pressed his case before the Commission at the time of hearing, the Commission dismisses the above complaint, as settled.

12. Ordered accordingly.

-sd-
(Subhash R. Sethi)
MEMBER

-sd-
(Shyam Wadhera)
MEMBER

- sd -
(Berjinder Singh)
CHAIRMAN